

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local and Flexible Procurement Obligations for the 2016 and 2017 Compliance Years.

Rulemaking 14-10-010
(Filed October 16, 2014)

**DECISION AWARDING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO
DECISION 15-06-063 AND DECISION 16-06-045**

Intervenor: The Utility Reform Network (TURN)	For contribution to Decision (D.) 15-06-063 and D.16-06-045
Claimed: \$43,365.69	Awarded: \$43,763.19
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: Peter Allen

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decisions 15-06-063 and 16-06-045 adopt local and flexible capacity obligations for 2016 and 2017, respectively, and address various issues concerning refinements to the Resource Adequacy (RA) program.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	N/A	
2. Other specified date for NOI:	12/5/14	Verified.
3. Date NOI filed:	12/5/14	Verified.
4. Was the NOI timely filed?		Yes, The Utility Reform Network (TURN) timely filed the notice of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.14-05-001	Verified.
6. Date of ALJ ruling:	9/5/14	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, TURN demonstrated appropriate status.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-05-001	Verified.
10. Date of ALJ ruling:	9/5/14	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, TURN demonstrated a rebuttable presumption of significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-045	Verified.
14. Date of issuance of Final Order or Decision:	June 23, 2016	June 27, 2016
15. File date of compensation request:	August 25, 2016	Verified.
16. Was the request for compensation timely?		Yes, TURN timely filed the request for intervenor compensation.

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. The Commission agreed with TURN's recommendation to require Southern California Edison (SCE) and Southern California Gas Company (SoCal Gas) to track changes in procurement costs resulting from the shifting of required resources from the LA Basin to the San Diego sub-area made necessary by the catastrophic leak from the Aliso Canyon natural gas storage facility.	TURN Comments on CAISO Local Capacity and Flexible Capacity Requirements Reports (LCR and FCR Comments), May 6, 2016, pp. 3-5. D.16-06-045, pp. 10-12.	Verified.
2. In response to concerns raised by TURN, the Commission requested that the CAISO adhere to prescribed guidelines to promote an open and transparent process with respect to local capacity requirements (LCR) and flexible capacity requirements (FCR).	TURN LCR and FCR Comments, May 6, 2016, pp. 1-2. D.16-06-045, pp. 15-17.	Verified.
3. TURN presented detailed analysis supporting its contention that, while the Energy Division (ED) has made great progress in developing a proposal for measuring the effective load carrying capacity (ELCC) of wind and solar resources, ED's proposal is not yet ready for adoption, because of, among other things, concerns regarding ED's proposed monthly factors and efforts to increase geographic granularity. The Commission agreed with TURN that ED's proposal had made great strides, but that issues of the type raised by TURN need more analysis before ED's proposal can be adopted.	TURN Comments on Track 1 RA Proposals, Jan. 29, 2016, pp. 1-2. Comments of TURN on Track 1 Proposals, April 1, 2016, pp. 2-11. D.16-06-045, pp. 24-26.	Verified.

<p>4. TURN took the position that, while SCE's ELCC proposal warranted further consideration, certain elements of the proposal raise concern, including: the validity of the 30th percentile assumption; whether SCE's proposal meets the statutory ELCC requirement; and the cost impacts of the proposal. The Commission noted TURN's concerns and agreed that, while SCE's proposal merited further consideration, the cost impacts need to be better understood.</p>	<p>Comments of TURN on Track 1 Proposals, April 1, 2016, pp. 11-16.</p> <p>Reply Comments of TURN on Track 1 Proposals, April 8, 2016, pp. 4-5.</p> <p>D.16-06-045, pp. 23, 26.</p>	<p>Verified.</p>
<p>5. TURN was the only ratepayer representative to support PG&E's proposed changes to RA policies for "pre-dispatch" resources. The Commission adopted the changes supported by TURN.</p>	<p>Comments of TURN on Track 1 Proposals, April 1, 2016, pp. 16-17.</p> <p>D.16-06-045, pp. 55-56.</p>	<p>Verified.</p>
<p>6. TURN supported PG&E's proposal to count the full range of charge and discharge for storage resources, such as pumped storage, with transition times between charging and discharging of less than 45 minutes. The Commission adopted PG&E's changes, over the objection of the CAISO.</p>	<p>Comments of TURN on Proposals at February 9, 2015 Workshop, 2/27/14, p. 3.</p> <p>D.15-06-063, pp. 47-48.</p>	<p>Verified.</p>
<p>7. TURN was the only ratepayer representative to support CAISO's proposal to cap an LSE's LCR at the LSE's system requirement in the monthly RA process. The Commission adopted this proposal over the objection of several parties.</p>	<p>Comments of TURN on Proposals at February 9, 2015 Workshop, 2/27/14, pp. 4-5.</p> <p>D.15-06-063, pp. 51-54.</p>	<p>Verified.</p>

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: With respect to certain issues, depending on the issue, one or more of several other parties may have taken a position similar to TURN, including ORA, CLECA, GPI, SDG&E, PG&E, SCE, CAISO and AReM.		Agreed.
<p>d. Intervenor's claim of non-duplication: TURN and ORA represented similar interests in this proceeding. (While both represented ratepayer interests, TURN alone focuses its representation on the interests of residential and small commercial customers.) TURN accordingly took steps to coordinate with ORA, as appropriate, and as noted in the attached timesheet by the issue code "Coord" for efforts to coordinate. For example, TURN took the lead in analyzing CAISO's LCR and FCR needs assessment for 2016 and 2017 and making recommendations for improving CAISO's process for future assessments. In addition, TURN devoted relatively more resources than ORA to explaining the issues with the ELCC model that necessitated postponing its use for estimating qualifying capacity values for wind and solar resources.</p> <p>The fact that other parties shared TURN's perspective on various other issues did not result in TURN's undue duplication with those parties. A rulemaking proceeding of this nature attracts a range of parties, and some degree of overlap in positions is inevitable. In the specific case of the issues here, the range of interests represented by parties with positions overlapping with TURN's varied widely, from generators to marketers to utilities to consumer representatives. TURN's positions were based on the independent analysis of its highly experienced and respected expert, Kevin Woodruff, and complementary to the offerings of others. TURN's independent perspective contributed to a full record upon which the Commission could base its determinations.</p> <p>For all of these reasons, TURN submits that the Commission should find no undue duplication between TURN's participation and that of DRA or other parties.</p>		Agreed. TURN did not engage in excessive duplication with other parties.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness: TURN's advocacy reflected in Decisions 15-06-063 and 16-06-045 addressed policy and implementation matters rather than specific rates or disputes over particular dollar amounts. As a result,	CPUC Discussion
	Verified.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>TURN cannot easily identify precise monetary benefits to ratepayers from our work related to these decisions, given the nature of the issues presented. While it is difficult to place a dollar value on Resource Adequacy (RA) issues, TURN submits that our participation should result in reduced customer costs by promoting accurate RA needs assessments and cost-effective refinements to the RA program. In this case as in prior RA proceedings, these benefits far exceed the modest cost of TURN's participation. (<i>See, i.e.</i> D.12-06-014, issued in, R.09-10-032, as well as D.09-11-029, issued in R.08-01-025, and D.07-03-011, issued in R.05-12-013 (two earlier RA proceedings), which found that the benefits from TURN's participation on RA policy issues outweighed the costs of TURN's participation.)</p> <p>For all of these reasons, the Commission should find that TURN's efforts here have been productive.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>This Request for Compensation includes approximately 140 total substantive hours for TURN's attorney and consultant, or the equivalent of three and one-half weeks of full-time work by a single person (40 hours/week). TURN submits that this is a reasonable amount of time, given that the two phases of the proceeding that resulted in Decisions 15-06-063 and 16-06-045 spanned 22 months, required careful analysis of new ELCC proposals by Energy Division and other parties, required careful scrutiny of several new and complex proposals, involved three workshops, and involved five formal pleadings filed by TURN (excluding compensation-related pleadings).</p> <p>TURN has not included in this request any hours related to the "Track 2" issues concerning a durable flexible capacity program, concerning which the Commission has not yet issued a decision. TURN is reserving those hours for potential claim in a future compensation request.</p> <p>TURN was efficient in staffing this proceeding and pursuing our objectives. As reflected in the attached timesheets, Mr. Long was TURN's sole attorney in this phase of the case. Throughout this phase, Mr. Long was assisted by outside consultant Kevin Woodruff, of Woodruff Expert Services, the same expert TURN has extensively relied on in previous Resource Adequacy rulemaking proceedings. Once again, Mr. Long relied heavily on Mr. Woodruff, resulting in Mr. Woodruff's incurring more than 85% of TURN's total hours (excluding intervenor compensation-related time). This reliance on Mr. Woodruff's extensive expertise significantly reduced TURN's attorney hours and thereby resulted in efficiencies in TURN's participation in this proceeding.</p> <p>TURN claims 4.25 hours (approximately 3% of TURN's total substantive hours, mostly incurred by Kevin Woodruff) for its work analyzing the CAISO's LCR and FCR studies for the 2016 RA year, addressed in D.15-06-063. The time incurred, including participating in CAISO-organized conference calls, was related to the LCR and FCR issues in this docket, and was devoted to understanding and analyzing the CAISO studies and their results for potential comment to the CPUC. TURN's analysis included propounding a data request to CAISO regarding its FCR study and results. After reviewing the studies and the data request response, TURN was sufficiently satisfied that the CAISO</p>	<p>Verified.</p>

methodology and estimates were reasonable and did not see a reason to file any comments with the CPUC. Nevertheless, the fact that TURN undertook to scrutinize the CAISO studies and found no problems worth commenting upon could give the Commission confidence that the CAISO studies and results were reliable. In this respect, TURN's analysis made a substantial contribution to the final decision adopting the CAISO study results, and TURN did so efficiently by incurring a small number of hours and avoiding the filing of an unnecessary pleading with the Commission. Accordingly, TURN submits that these hours are reasonable and should be compensated. (TURN's work analyzing the CAISO's FCR and LCR studies for the 2017 RA year is reflected in the first and second substantial contributions listed in Part II. A above.)

TURN submits that all of the hours claimed in this request were reasonably necessary to the achievement of TURN's substantial contributions, and no unnecessary duplication of effort is reflected in the attached timesheets.

TURN's request also includes 8.0 hours devoted to the preparation of this request for compensation by Mr. Long. This is a reasonable figure consistent with the scale of this two-year proceeding that yielded two substantive decisions and TURN's level of involvement in this proceeding. Mr. Long has prepared this request because of his involvement in both phases of the proceeding and his detailed knowledge of TURN's work effort.

c. Allocation of hours by issue:

TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes for its substantive (non-compensation-related) work:

Code	Description
RA Revisions	Work specifically related to proposals to refine certain aspects of the Resource Adequacy program
FCR	Work specifically related to review and assessment of Flexible Capacity Requirements
ELCC	Work specifically related to proposed ELCC methodologies for calculating qualifying capacity for wind and solar resources
LCR	Work specifically related to review and assessment of Local Capacity Requirements
GP	Work related to general participation in this proceeding, such as reviewing the scoping memo and other rulings, review of workshop notices, and other procedural matters
Comp	Work related to intervenor compensation.

- Time entries that cover substantive issue work that cannot easily be identified with a specific activity code. In this proceeding, in recognition of the fact that the workshops and comments often addressed several discrete issues in a relatively

Verified.

short time frame, the time entries coded # represent approximately 6% of the total hours. TURN requests compensation for all of the time included in this request for compensation, and therefore does not believe allocation of the time associated with these entries is necessary. However, if such allocation needs to occur, TURN proposes that the Commission allocate these entries as follows, based on the following percentages derived from the time TURN devoted to the major issues in the docket:

ELCC – 48.75 hours – 40.8%
 RA Revisions - 37.25 hours – 31.2%
 LCR – 21.00 hours – 17.5%
 FCR – 12.50 hours – 10.5%

TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Thomas Long	2014	2.25	\$570	D.15-06-021, p. 28	\$1,282.50	2.25	570.00	\$1,282.50
T. Long	2015	6.00	\$570	Res. ALJ-308	\$3,420.00	6.00	570.00	\$3,420.00
T. Long	2016	10.25	\$575	Res. ALJ-329	\$5,893.75	10.25	575.00	\$5,893.75
Kevin Woodruff	2014	0.50	\$250	D.15-05-026, p. 10	\$125	0.50	250.00	\$125.00
K. Woodruff	2015	41.00	\$250	Same as 2014	\$10,250	41.00	250.00	\$10,250.00
K. Woodruff	2016	79.50	\$250	Same as 2015	\$19,875.00	79.50	255.00 <i>See Res.ALJ-329.</i>	\$20,272.50
Subtotal: \$ 40,846.25						Subtotal: \$ 41,243.75		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
T. Long	2014	0.75	\$285	½ of 2014 rate	\$213.75	0.75	285.00	\$213.75
T. Long	2016	8.0	\$287.50	½ of 2016 rate	\$2,300.00	8.00	287.50	\$2,300.00
Subtotal: \$2,513.75						Subtotal: \$2,513.75		

COSTS				
#	Item	Detail	Amount	Amount
	Phone	Telephone expense related to R.14-10-010	\$0.31	\$0.31
	Photocopying	Expenses associated with copying pleadings and other documents related to R.14-10-010	\$1.80	\$1.80
	Postage	Expenses associated with mailing pleadings related to R.14-10-010	\$3.58	\$3.58
TOTAL REQUEST: \$43,365.69				TOTAL AWARD: \$43,763.19
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>				
ATTORNEY INFORMATION				
Attorney		Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?)
Thomas Long		12/11/1986	124776	No

C. PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decision (D.) 15-06-063 and D. 16-06-045.
2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$43,763.19.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network shall be awarded \$43,763.19.
2. Within 30 days of the effective date of this decision, The California Public Utilities Commission's Intervenor Compensation Fund shall pay The Utility Reform Network the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 8th, 2016, the 75th day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1506063 and D1606045		
Proceeding(s):	R1410010		
Author:	ALJ Allen		
Payer(s):	California Public Utility Commission's Intervenor Compensation Fund		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network (TURN)	8/25/2016	\$43,365.69	\$43,763.19	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Thomas	Long	Attorney	TURN	\$570	2014	\$570.00
Thomas	Long	Attorney	TURN	\$570	2015	\$570.00
Thomas	Long	Attorney	TURN	\$575	2016	\$575.00
Kevin	Woodruff	Expert	TURN	\$250	2014	\$250.00
Kevin	Woodruff	Expert	TURN	\$250	2015	\$250.00
Kevin	Woodruff	Expert	TURN	\$250	2016	\$255.00